

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BNSF RAILWAY COMPANY,	)	
	)	
Plaintiff,	)	4:05CV3084
	)	
v.	)	
	)	
EPCO CARBONDIOXIDE PRODUCTS,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	
	)	

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The parties have jointly moved for a three-month continuance of the deadlines set the court's filing 28 progression order. Filing 34. The parties state they have reached a tentative settlement agreement, but as part of that agreement, the defendant has until December 31, 2005 to pay all settlement proceeds. The parties state that several deadlines set by the court's current progression order will pass while the parties await full compliance with the settlement agreement.

The court interprets the parties' joint motion as requesting a stay of these proceedings while the parties pursue final settlement of this case.

IT THEREFORE HEREBY IS ORDERED:

1. The parties' joint motion for a continuance, filing 34, is granted.
2. The progression deadlines established under the court's filing 28 progression order are stayed to permit the parties to pursue final settlement of this case.
3. During the period of the stay, compliance with deadlines established by the progression order, responses to discovery, and other proceedings, including the pretrial conference previously scheduled for December 22, 2005, shall not be required.

4. On or before January 6, 2005, the parties shall either advise the court that this case is settled, or shall submit their joint, or if necessary, separate proposal(s) for establishing a new progression schedule for this case.

DATED this 2<sup>nd</sup> day of November, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge